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14

UNITED STATES DISTRICT COURT

15

NORTHERN DISTRICT OF CALIFORNIA

16

SAN JOSE DIVISION

17

18    CISCO SYSTEMS, INC.,

19            Plaintiff,

20        v.

21    ARISTA NETWORKS, INC.,

22            Defendant.

Case No. 5:14-cv-05344-BLF (NC)

**DECLARATION OF RYAN WONG IN SUPPORT OF DEFENDANT ARISTA NETWORKS, INC.'S OPPOSITION TO CISCO SYSTEMS, INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

Date:        August 4, 2016
Time:        9:00 a.m.
Dept.:       Courtroom 3–5th Floor
Judge:       Hon. Beth Labson Freeman

Date Filed:  December 5, 2014

Trial Date:  November 21, 2016

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1    I, Ryan Wong, declare:

2    1.    I am an attorney licensed to practice law in the State of California and admitted to

3    practice before this Court.  I am an associate at the law firm of Keker & Van Nest LLP and

4    counsel for Defendant Arista Networks, Inc. ("Arista") in the above-captioned action.  I have

5    personal knowledge of the facts stated herein and, if called as a witness, I could testify

6    competently thereto.

7    2.    I submit this declaration in support of Arista's Opposition to Cisco's Motion for

8    Partial Summary Judgment.

9    3.    Attached hereto as **Appendix A** is a list of exhibits submitted in support of

10   Arista's Opposition to Cisco's Motion for Partial Summary Judgment.

11   4.    Attached hereto as **Exhibit 1** is a true and correct copy of excerpts of the

12   deposition transcript of Kirk Lougheed, taken November 20, 2015.

13   5.    Attached hereto as **Exhibit 2** is a true and correct copy of excerpts of the

14   deposition transcript of Greg Satz, taken March 23, 2016.

15   6.    Attached hereto as **Exhibit 3** is a true and correct copy of U.S. Patent 7,953,886,

16   Bansal et al, dated May 31, 2011.

17   7.    Attached hereto as **Exhibit 4** is a true and correct copy of excerpts of the

18   deposition transcript of Anthony J. Li, taken February 1, 2016.

19   8.    Attached hereto as **Exhibit 5** is a true and correct copy of excerpts of the

20   deposition transcript of Gavin Cato (Dell, Inc. corporate witness), taken May 20, 2016.

21   9.    Attached hereto as **Exhibit 6** is a true and correct copy of excerpts of a manual

22   "HP Networking and Cisco CLI Reference Guide", dated March 2010.

23   10.    Attached hereto as **Exhibit 7** is a true and correct copy of an email from Jeanne

24   Beliveau-Dunn to Gary Moore dated August 21, 2013 and bates labeled CSI-CLI-03126889–CSI-

25   CLI-03126890 (Kathail Ex. 1522).

26   11.    Attached hereto as **Exhibit 8** is a true and correct copy of an email from Jim

27   Forster to John Chapman dated October 6, 2005 and bates labeled CSI-CLI-02918192.

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DECLARATION OF RYAN WONG IN SUPPORT OF DEFENDANT ARISTA NETWORKS, INC.'S
OPPOSITION TO CISCO SYSTEMS, INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT
Case No. 5:14-cv-05344-BLF (NC)

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12.     Attached hereto as **Exhibit 9** is a true and correct copy of a compilation of documents produced in this litigation with bates numbers ARISTANDCA00010591; ARISTANDCA00009488; CSI-ANI-00252097; CSI-CLI-00843944 (Ex. 1517); CSI-CLI-01134108 (Ex. 1518); CSI-ANI-00324177 (Ex. 1519); and the document marked as Exhibit 1520.

13.     Attached hereto as **Exhibit 10** is a true and correct copy of a Network World Article "Grueling performance testing exposes weaknesses in Cisco, HP switches", dated January 18, 2010 (Jiandani Ex. 607).

14.     Attached hereto as **Exhibit 11** is a true and correct copy of excerpts of the deposition transcript of Dan Lang, taken May 20, 2016.

15.     Attached hereto as **Exhibit 12** is a true and correct copy of an article "Forget Amazon, Google, Apple, Facebook: This is the Gem Powering the Cloud", dated May 19, 2016, bates labeled ARISTANDCA00269689–ARISTANDCA00269698.

16.     Attached hereto as **Exhibit 13** is a true and correct copy of an Arista Presentation "Reinventing Data Center Switching" bates labeled ANI-ITC-944_945-1689417–ANI-ITC-944_945-1689436.

17.     Attached hereto as **Exhibit 14** is a true and correct copy of excerpts of an Arista Presentation "Capitalizing on the Cloud Opportunity", bates labeled ANI-ITC-944_945-3735225 and ANI-ITC-944_945-3735231.

18.     Attached hereto as **Exhibit 15** is a true and correct copy of a compilation of documents produced in this litigation with bates numbers CSI-CLI-06360284; CSI-CLI-06360731; the document marked as Deposition Exhibit 1202; and deposition excerpts of Drew Pletcher and Deepak Malik.

19.     Attached hereto as **Exhibit 16** is a true and correct copy of an email from Pramod Srivatsa to Jiandani dated January 20, 2010 and bates labeled CSI-ANI-00389750- CSI-ANI-00389772 (Jiandani Ex. 606).

20.     Attached hereto as **Exhibit 17** is a true and correct copy of excerpts of the deposition transcript of Phillip Remaker, taken March 31, 2016.

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21.    Attached hereto as **Exhibit 18** is a true and correct copy of excerpts of the deposition transcript of Kirk Lougheed, taken April 4, 2016.

22.    Attached hereto as **Exhibit 19** is a true and correct copy of an email from Harish Patil dated July 26, 2006 and bates labeled CSI-CLI-00816815.

23.    Attached hereto as **Exhibit 20** is a true and correct copy of excerpts of the deposition transcript of Tong Liu, taken January 15, 2016.

24.    Attached hereto as **Exhibit 21** is a true and correct copy of compilation of deposition excerpts of Anthony Li; Kirk Lougheed (November 20, 2015 and April 4, 2016); and Greg Satz.

25.    Attached hereto as **Exhibit 22** is a true and correct copy of excerpts of the deposition transcript of Ramanathan Kavasseri, taken February 23, 2016.

26.    Attached hereto as **Exhibit 23** is a true and correct copy of an article entitled "Protecting Innovation" by Mark Chandler, dated December 5, 2014 (Lang Ex. 1012).

27.    Attached hereto as **Exhibit 24** is a true and correct copy of excerpts of the deposition transcript of Pradeep Kumar Kathail, taken May 27, 2016.

28.    Attached hereto as **Exhibit 25** is a true and correct copy of a Cisco presentation dated October 21, 2004 and bates labeled CSI-CLI-02635203–CSI-CLI-02635232 (Remaker Ex. 413).

29.    Attached hereto as **Exhibit 26** is a true and correct copy of an email from Phillip Remaker dated January 12, 1999 and bates labeled CSI-CLI-00754391–CSI-CLI-00754395 (Remaker Ex. 436).

30.    Attached hereto as **Exhibit 27** is a true and correct copy of version 5 of a Cisco CLI design document bates labeled CSI-CLI-00836643–CSI-CLI-00836652.

31.    Attached hereto as **Exhibit 28** is a true and correct copy of an email from Jan Vilhuber dated October 22, 1997 and bates labeled CSI-CLI-00749938–CSI-CLI-00749940.

32.    Attached hereto as **Exhibit 29** is a true and correct copy of excerpts of the deposition transcript of Devadas Patil, taken February 21, 2016.

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1   33. Attached hereto as **Exhibit 30** is a true and correct copy of excerpts of the

2 deposition transcript of Adam Sweeney, taken January 29, 2016.

3   34. Attached hereto as **Exhibit 31** is a true and correct copy of version 5 of a Cisco

4 CLI design document bates labeled CSI-CLI-04824213.

5   35. Attached hereto as **Exhibit 32** is a true and correct copy of an email from Philip

6 Remaker to Carl Schaefer dated January 12, 1999 and bates labeled CSI-CLI-00754391–CSI-

7 CLI-00754395.

8   36. Attached hereto as **Exhibit 33** is a true and correct copy of excerpts of the

9 deposition transcript of Phillip Remaker, taken March 30, 2016.

10   37. Attached hereto as **Exhibit 34** is a true and correct copy of excerpts of the

11 deposition transcript of Lorenz Redlefsen, taken April 15, 2016.

12   38. Attached hereto as **Exhibit 35** is a true and correct copy of excerpts from the Cisco

13 IOS Command Modes Manual, bates labeled CSI-CLI-00567718.

14   39. Attached hereto as **Exhibit 36** is a true and correct copy of excerpts of the rough

15 deposition transcript of John Black, taken June 30, 2016.

16   40. Attached hereto as **Exhibit 37** is a true and correct copy of excerpts of the

17 Opening Expert Report of Kevin Almeroth Regarding Copying, submitted June 3, 2016.

18   41. Attached hereto as **Exhibit 38** is a true and correct copy of excerpts of the

19 deposition transcript of Philip Kasten (Juniper Networks corporate witness), taken February 16,

20 2016.

21   42. Attached hereto as **Exhibit 39** is a true and correct copy of excerpts of a Juniper

22 Networks ERX Edge Routers Command Reference Guide, bates labeled 19008JNPR00146233

23   43. Attached hereto as **Exhibit 40** is a true and correct copy of excerpts of a Juniper

24 Networks JunosE Software for E Series Broadband Services Routers, Systems Basics

25 Configuration Guide, bates labeled 19008JNPR00144310.

26   44. Attached hereto as **Exhibit 41** is a true and correct copy of excerpts of the

27 deposition transcript of Balaji Venkatraman (Hewlett Packard Enterprise corporate witness),

28 taken May 2, 2016.

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45.    Attached hereto as **Exhibit 42** is a true and correct copy of excerpts of a Brocade FastIron Command Reference Manual, dated September 30, 2014 and bates labeled ARISTANDCA_BROCADE01336032.

46.    Attached hereto as **Exhibit 43** is a true and correct copy of a Brocade ICX 7450 Switch FAQs, bates labeled CSI-CLI-02246711–CSI-CLI-02246718.

47.    Attached hereto as **Exhibit 44** is a true and correct copy of Cisco Presentation dated June 1, 2007 and bates labeled CSI-CLI-05646048–CSI-CLI-05646068.

48.    Attached hereto as **Exhibit 45** is a true and correct copy of a Cisco manual bates labeled CSI-CLI-04057694–CSI-CLI-04057710.

49.    Attached hereto as **Exhibit 46** is a true and correct copy of a NextHop Technologies document dated February 2006 and bates labeled CSI-CLI-06018032–CSI-CLI-06018056.

50.    Attached hereto as **Exhibit 47** is a true and correct copy of a Hewlett-Packard data sheet bates labeled CSI-CLI-06023246 – CSI-CLI-06023256.

51.    Attached hereto as **Exhibit 48** is a true and correct copy of excerpts of the deposition transcript of Deepak Malik, taken May 19, 2016.

52.    Attached hereto as **Exhibit 49** is a true and correct copy of a Cisco presentation bates labeled CSI-ANI-00056464–CSI-ANI-00056464.000062 (Malik Ex. 869)

53.    Attached hereto as **Exhibit 50** is a true and correct copy of the metadata for Malik Exhibit 869, which is attached to this declaration as Exhibit 49.

54.    Attached hereto as **Exhibit 51** is a true and correct copy of excerpts of the deposition transcript of John Hartingh, taken May 18, 2016.

55.    Attached hereto as **Exhibit 52** is a true and correct copy of excerpts of the deposition transcript of Drew Pletcher, taken May 26, 2016.

56.    Attached hereto as **Exhibit 53** is a true and correct copy of an email from Joshi Praveen to Cisco employees dated July 11, 2002, and bates labeled CSI-CLI-01110668–CSI-CLI-01110669.

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57. Attached hereto as **Exhibit 54** is a true and correct copy of an email from Alon Bernstein to William Westfield dated April 15, 2008 and bates labeled CSI-CLI-02943915.

58. Attached hereto as **Exhibit 55** is a true and correct copy of an email from Siva Valliappan dated July 8, 2005 and bates labeled CSI-CLI-00807360–CSI-CLI-00807378.

59. Attached hereto as **Exhibit 56** is a true and correct copy of a Cisco product requirements document bates labeled CSI-CLI-00836802–CSI-CLI-00836834.

60. Attached hereto as **Exhibit 57** is a true and correct copy of an email from Phillip Remaker to Rick Pratt dated April 15, 2008 and bates labeled CSI-CLI-01133437.

61. Attached hereto as **Exhibit 58** is a true and correct copy of an analysis report regarding Cisco products dated December 6, 2011 and bates labeled CSI-CLI-03766046–CSI-CLI-03766051.

62. Attached hereto as **Exhibit 59** is a true and correct copy of a presentation dated October 24, 2001 and bates labeled CSI-CLI-04978736–CSI-CLI-04978803.

63. Attached hereto as **Exhibit 60** is a true and correct copy of excerpts of a Cisco presentation dated June 20, 2012 (CSI-ANI-00059530 at .0046).

64. Attached hereto as **Exhibit 61** is a true and correct copy of a letter from Cisco counsel to Linda Chao of Stanford dated December 18, 2002 and bates labeled CSI-CLI-01326890.
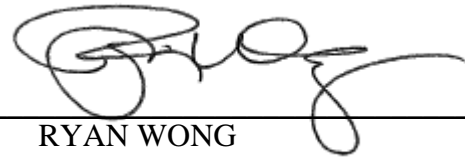
65. Attached hereto as **Exhibit 62** is a true and correct copy of compilation of deposition excerpts of Kevin Almeroth, Kirk Lougheed (Nov. 20, 2015 and April 4, 2016), Anthony Li, and Greg Satz.

66. Attached hereto as **Exhibit 63** is a true and correct copy of a compilation of deposition excerpts of Ramanathan Kavasseri, Tong Liu, Kirk Lougheed (Nov. 20, 2015), Devadas Patil, Phillip Remaker (March 31, 2016), and Greg Satz.

67. Attached hereto as **Exhibit 64** is a true and correct copy of a compilation of documents produced in this litigation with bates numbers ARISTANDCA13681614; ARISTANDCA00264627; ARISTANDCA13363443; ARISTANDCA00224908 (Ex. 639); ARISTANDCA00265444 (Ex. 957); and ARISTANDCA00265424 (Ex. 958).

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2          Executed July 14 2016, at San Francisco, California.

3          I declare under penalty of perjury under the laws of the United States of America that the

4     foregoing is true and correct.

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                                                                           RYAN WONG

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DECLARATION OF RYAN WONG IN SUPPORT OF DEFENDANT ARISTA NETWORKS, INC.'S
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